

## **REMARKS**

Initially, Applicant notes that the remarks and amendments contained in this response are consistent with those presented to the Examiner by telephone.

By this paper, claims 1-5 and 24-27, and 34 have been amended and no claims have been added or canceled, such that claims 1-12 and 24-34 remain pending, of which claims 1 and 24 are the only independent claims at issue.

The Office Action, mailed August 20, 2008, considered and rejected claims 1-12 and 24-34. Claims 1, 3,-12, 24, and 26-34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith (U.S. Publ. No. 2002/0152399), in view of Gilbert et al. (U.S. Patent No. 5,530,848). Claims 2 and 25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith, Gilbert, and in further view of Callas et al. (U.S. Publ. No. 2006/0015736).<sup>1</sup>

Applicant's claimed invention is generally directed to processing previously failed messages. For example, claim 1 recites a method of processing at least a portion of a message where an attempt to previously process the message failed. In the method, a computer system logs state information corresponding to each of a plurality of received messages to a log of state information. The logged state information includes an identity of each of the plurality of received messages and the state information identifying the status of each of the plurality of received messages at the time the state information was logged and including a start state indicating the message processor is attempting to process the message and a state indicating whether the message processor completed the processing of the message. subsequent to logging the state information, the computer system accesses the log of state information and identifies a message indicated as being processed by the message processor for which completion is not indicated. In response to identifying the message previously failed to process, the computer system logs a second state information to the log of state information indicating that the message is being de-featured according to a first rule, removes a portion of the message in accordance with the first rule to increase the likelihood of the message processor being able to appropriately process the message, and attempts to reprocess the message subsequent to removing the portion of the message.

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<sup>1</sup> Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

It will be noted that the independent claims were rejected in view of the combination of Smith and Gilbert. Smith discloses embodiments for providing protection from exploits to devices connected to a network. In Smith, a component determines whether an encapsulation has been applied to an attachment, a second component scans messages for exploits, and a third component holds and cleans messages that include exploits. Gilbert discloses embodiments for interfacing external processes to a transaction processing system. In Gilbert, input messages are accepted from external processes and an interface system logs received messages and notifies the transaction processing system that a message has been received for processing. The interface system sends a confirmation to the external process indicating that the message has been received. Furthermore, the interface system periodically examines the status of each message as it is being processed by the transaction processing system. Output status messages indicative of such status can then be created, stored, and sent to an external destination for informational purposes.

With regard to the rejection of the independent claims, Applicant respectfully submits that the combination of Smith and Gilbert fail to teach, suggest, or reasonably support all of the claimed elements. In view of this failure, Applicant submits that the claims are allowable over the cited art. Furthermore, Applicant respectfully submits that at least dependent claim 5 contains additional elements not contained in the cited art and that are not addressed by the Office Action. For at least these reasons, Applicant respectfully submits that dependent claim 5 is allowable over the cited art in addition to the reasons presented with regard to the independent claims.

Among other things, Applicant respectfully submits that the cited art fails to disclose accessing the log of state information and identifying a message indicated as being processed by the message processor for which completion is not indicated, thereby indicating that the message previously failed to process. Nowhere within Smith or Gilbert is an affirmative act of identifying a message failing to process using the logs as claimed. Instead, the only recitation of a failure within Gilbert reads "If the maximum retries has been exceeded in step 1434, in a step 1436 the outbound control record is deleted from the Communication Log 126 and the status of the finished control record 148 on log file 122 is updated to indicate the communications attempt failed." Thus a failure is indicated by a specific entry within the log file, rather than scanning the log file to find instances that have started and not completed. While Gilbert does describe

"errors", such errors are described in the context of a communication time out. A communication time out is merely a timer that fails to identify whether a message has been processed by the computer system. Furthermore, the communication time out indicates that a second system is processing the message rather than the computer system accessing the log.

Without disclosing accessing the log in order to find a failure in the method claimed (as opposed to accessing the log in order to indicate that the attempt failed), Gilbert cannot teach or suggest in response to identifying a message (in the claimed manner), logging to the log a second state indicating that the message has been defeatured according to a first rule. As previously indicated, while Gilbert discloses logging of messages, there is no indication within the cited art that the state information indicates that the message is being de-featured according to a first rule. The Office Action asserts that Gilbert expressly discloses browsing/querying a log file and that this in combination with Smith teaches such a claim element. However, while Smith discloses removing an exploit from a message, Smith fails to teach that a rule used to remove the exploit is logged. Instead, Smith recites forwarding the message or quarantining the message. Without Smith teaching logging a rule applied to the message, the mention of logging state within Gilbert fails to teach logging state corresponding to an applied rule.

In regard to the rejection of dependent claims 5, Applicant respectfully submits that the combination of Smith and Gilbert fail to teach the claimed elements. For example, claim 5 recites not only identifying a previously failed message using the manner of claim 1, but further identifying that the message is a defeatured message. A third state is then logged indicating that a second rule is being applied. As shown in figure 6 of Smith, there is not an instance where a second rule is applied to the message, it is either quarantined or sent to the recipient.

In view of the foregoing, Applicant respectfully submits that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner

provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at (801) 533-9800.

Dated this 20<sup>th</sup> day of November, 2008.

Respectfully submitted,

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